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Introducing General Counsel Richard Griffin, Jr.

by Hank Breiteneicher, Executive Secretary

In the June 2014 issue of *The Region 18 Hot Dish*, we bid farewell to Acting General Counsel Lafe Solomon. Here, by way of an article originally published in the Agency's All Aboard newsletter, we introduce General Counsel Richard Griffin, Jr. Griffin traveled to Minneapolis for the 41st Annual Labor and Employment CLE in November and spent time with Region 18.

Richard F. Griffin, Jr. was sworn in for a 4-year term as the Board's 30th General Counsel on November 4, 2013 in a ceremony witnessed by many Agency employees in the Board Hearing Room, and shown by video-conference to the Regional Offices. Chairman Mark Gaston Pearce administered the oath of office to GC Griffin, as GC Griffin's wife held the bible. Calling it a "very joyous occasion," Chairman Pearce said that GC Griffin was an "amazing asset" to this Agency as a Board Member, and that there was nothing more enjoy-



General Counsel Griffin presented at the 41st Annual Labor and Employment Law Institute in Minneapolis. Region 18 attended, and Regional Director Marlin Osthus and Deputy Regional Director Jim Fox also presented. Front row, L to R: Nichole Burgess-Peel, Rachael Simon-Miller, Martha Armstrong, Joseph Bornong, and Abby Schneider; Back Row, L to R: Chinyere Ohaeri, Nicholas Heisick, Jim Fox, Richard Griffin, Jennifer Hadsall, and Marlin Osthus.

able than being able to decide cases with somebody who is as brilliant and witty as GC Griffin.

After he took the oath of office, GC Griffin told the audience that "I cannot tell you how happy I am to be here." He said that as the process of his confirmation as GC neared its end, he experienced a "feeling of

joy," which he attributed to two reasons. The first reason was his strong belief in the National Labor Relations Act. GC Griffin stated: "I really believe in this statute. The National Labor Relations Act is an incredibly important law. We're lucky to live in a democracy, and this is the law that brings democracy to the workplace.

(Continued on page 4)

Reflecting on the Many Successes of Compliance Officer Czala

by Marlin Osthus, Regional Director

On a later page in this newsletter you will learn more about Roger Czala, who is retiring after nearly 28 years with Region 18. For all of those years, Roger ably served the Agency, and for most of those years, he worked as the Region's Compliance Officer, ensuring that parties found guilty of violating the National Labor Relations Act by the Board and/or administrative law judges complied with orders issued. In addition, Roger also monitored whether charged parties complied with settlement agreements they agreed to in order to avoid litigation. I am sure that those of you who have worked with Roger on compliance matters would agree with me that one of

Roger's many strengths is his ability to defuse conflict between parties and to help them realize that it is in their self-interest to comply with their agreements or Board orders, in order to be able to move forward. What you may not know is that Roger (and the Region) has recently had a number of challenging and significant compliance cases. In our most recent fiscal year which ended October 31, 2014, cases filed in the Minneapolis or Des Moines offices of Region 18 resulted in backpay, make-whole remedies for loss in benefits, or the return of dues and other fees, totaling over \$1.7 million. In that same period of time, cases filed in the Milwaukee office of Region 18 re-

sulted in the recovery of over \$600,000.

One of the significant compliance cases resolved by Roger, as well as the law firm representing the same employees in an EEOC matter, involves *Supply Technologies*, reported at 359 NLRB No. 38. In that case, the Respondent discharged 20 employees – mostly Hmong immigrants who do not speak English – because the employees refused to sign an agreement requiring them to arbitrate all employment-related disputes, including allegations that Respondent violated the NLRA.

(Continued on page 8)

HOT DISH CO-EDITORS:

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Board Finds Fault with Faulty Translation

by Andrew Gollin, Field Attorney

In *Labriola Baking Company*, the National Labor Relations Board set aside an election in which the employer, through a translator, informed a mostly Hispanic workforce that if it elected the union, and the union required them to go out on strike, the employer would replace them with “legal workers.” 361 NLRB No. 41 (September 8, 2014) The Board majority concluded the reference to “legal workers” was an implied threat that the employer would take some kind of action against them based on their legal status.

Background

On September 21, 2011, Teamsters Local 734 was certified as the collective-bargaining representative for a unit of full-time and part-time sales drivers working for Labriola Baking Company near Chicago, Illinois. A year later, after the parties failed to reach a first contract, an employee filed a petition to decertify the Union. An election was scheduled, and one week before the election, the Employer held a mandatory meeting for the drivers. Approximately 25 of the 40 unit employees attended the meeting, at which Vice President and Chief Operating Officer Robert Burch spoke to employees about the upcoming election. Approximately 80 percent of the unit employees were Spanish-speaking, so the Employer had Payroll Administrator Manual Rojas translate Burch’s remarks. Following a script, Burch said: “If you choose Union Representation, we believe the Union will push you toward a strike. Should this occurs [sic], we will exercise our legal right to hire replacement workers for the drivers who strike.” Unit employees, testified, however, and the Hearing Officer found, that Rojas’s translation ended with the statement that the Employer would

replace the workers with “legal workers” or a “legal workforce.” There is no evidence that the Employer made any attempt to correct or clarify Rojas’s translation, either at the meeting or afterward.

One week later, the employees voted to decertify the Union with 20 votes against representation, 16 votes for representation, and 4 uncounted challenged ballots. The Union timely filed objections, including that Rojas’s translation was a threat to report employees to immigration authorities. A post-election hearing was held on the objections and the Hearing Officer ultimately concluded that the words spoken by Rojas were not objectionable because they did not expressly or impliedly threaten that the Employer would report employees to immigration authorities if they supported the Union. The Union filed a Request to Review with the Board.

Board’s Decision

The Board, in a 3-2 decision, reversed the Hearing Officer’s decision. Chairman Pearce and Members Hirozawa and Schiffer concluded that the Hearing Officer took an unduly restrictive reading of the Union’s objections, and that the statement about hiring “legal workers” constituted a more generalized unlawful threat. They noted that statements touching on employees’ immigration status warrant careful scrutiny, as they are among the most likely to instill fear among employees. By telling non-English-speaking employees that it would replace them in the event of a strike with “legal” workers, the Employer communicated that it would use immigration, i.e., “legal,” status, to take action against the employees in the event of a

strike. In reaching this conclusion, the majority held it was irrelevant whether any of the employees were themselves undocumented or had immigration-related problems, because even documented workers may be intimidated by threatened scrutiny of their immigration status, for they may fear that their immigration status would be changed, or that their status would reveal the immigration problems of their family or friends; similarly, new legal residents or citizens may feel intimidated by the prospect of having their immigration history examined in a public proceeding.

Members Johnson and Miscimarra dissented, noting that the term “legal workers” was not objectionable, particularly in the context in which it was used.

Takeaways

There are several important takeaways from this case. First, the Board applies a strict liability standard when interpreters or translators are involved. Mistakes in translations—regardless of intent—will not be a defense. Second, a party must carefully construe the wording that is used in any statement, and must carefully evaluate how those statements could potentially be interpreted by the audience. Although the majority applied a reasonable person-type standard in concluding that the use of the term “legal workers” was objectionable, it intimated that it may apply a higher level of scrutiny where an immigrant workforce is involved. Finally, although the majority found the use of term “legal workers” to be a clear threat, it noted that it “would reach the same result even if the threat were veiled or ambiguous.” In short, parties must be even more careful in what they say prior to elections, particularly when dealing with a non-English speaking workforce.

Osthus Inducted into College of Labor & Employment Lawyers

by Abby Schneider, Field Attorney

For most of us, being accepted to college wasn’t quite a black tie affair. But Regional Director Marlin Osthus’ induction into The College of Labor and Employment Lawyers was deservedly so.

Osthus was nominated to The College by local private practice labor and employment attorneys. He underwent a thorough, year-long application process in which the governors of The College considered his professional achievements and his civic involvements before he was ultimately selected for admission. Osthus was inducted in a ceremony at the Biltmore Hotel in downtown Los Angeles on November 8. The induction took place at The College’s annual dinner, which is held in connection with the ABA Labor and Employment Section’s annual conference and CLE.

The College of Labor and Employment Lawyers was founded in 1995 and exists to promote achievement, advancement, and excellence in its field. More than one thousand of North America’s most highly respected labor and employment attorneys belong to The College and work to promote its purpose as a catalyst for positive influence, support, and progressive change in the profession.

Members participate in research, teaching, and program initiatives. The College hosts training programs for government attorneys, co-sponsors a writing competition for law students, and spearheads a Video History Project whose purpose is to create a library of oral histories culled from significant employment law topics and events. Congratulations, Marlin!



Regional Director Marlin Osthus with his wife, Connie Osthus.

We are on the move! Region 18 office to relocate in April

by Nichole Burgess-Peel, Supervisory Attorney

I remember my first day working at the Board. Fresh out of law school, eager and ready, I reported to the Region 18 office located in downtown Minneapolis in what used to be known as the Towle Building. I arrived in my windowless office and found it furnished and ready to go. Shortly after I began, Marlin Osthus, then Regional Attorney and my supervisor, asked me to come in and pick out my office suite of furniture. I naively assumed that I would be browsing through furniture catalogs... but instead, he brought me to a dark back office and told me to pick from a collection of (all brown) dilapidated furniture from the 1950's (or earlier) that more senior employees had cast off. Luckily, within two weeks a windowed office became available, I re-upholstered the chairs, hung a few pictures and got to work.

Fast forward 15 years. While I have now ascended to a much larger windowed office with functional (even ergonomic) furniture made in the last decade, we are still in the same building. However, that is soon to change. Though the move has been in the works for many years, our date is finally set!

In about mid-April, 2015, the Region 18 office will be moving to what is affectionately known as the "new" Old Federal Building. It is located at the corner of 3rd Street and Washington Avenue South, formerly and briefly home to the Post Office and, in the 1970's, the Selective Service. Now the building houses the Passport Office, and, in

addition to the NLRB, will likely soon add another new tenant; the Department of Housing and Urban Development.

The building has a rich and varied history. Built in 1915, it is an example of neoclassical style and in 2010 was placed on the National Register of Historic Places. The

come a big issue in recent years. Visitors to our office will have to go through security screening and should always bring photo identification.

The downside to the office space is that it is not skyway connected. Even for hearty Minnesotans, in the dead of winter, this poses a problem. The upside is that our new space will likely be very functional and comfortable, making those long hours in the office more pleasant.

The NLRB offices will be located on the second floor. The main lobby area is quite impressive with soaring ceilings, an abundance of marble details, historic fixtures and terrazzo floors. Most of the windows and doors are original and are cased in mahogany. While the renovation of the building is quite impressive and the historical detail

has been maintained, the building is fully ADA compliant. There is an elevator and the space is wheelchair accessible. There is on-street parking around the building, and covered parking across the street. There are also coffee shops and restaurants nearby.

The hearing room in our new space will also be stately, with large windows and (hopefully) much more comfortable seating for those in the gallery or waiting to be called as a witness. All in all, we are hopeful that the new space will be functional, professional and conveniently accessible to the public we serve.

building survived the great urban renewal razing of the Gateway District in the early 1960's, but later, in 1970, Vietnam War protestors blew up the north entry, apparently because the building was then home to the Selective Service. The building has recently undergone a massive renovation for which it received a local Heritage Preservation award.

The reasons for the move are three-fold. First, our lease was up (five years ago). Second, the Old Federal Building is actually owned by General Services Administration (GSA), and thus the Agency gets a far better lease deal and saves money. Third, the building has Level 4 Security which has be-



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VISIT OUR WEBSITE:

[HTTP://WWW.NLRB.GOV/CATEGORY/REGIONS/REGION-18](http://www.nlr.gov/category/regions/region-18)

Region 18 Staff Packs Up and Gives Back

by Rachael Simon-Miller, Field Attorney

Again this year, Region 18 used the nationwide Combined Federal Campaign, or CFC, as an opportunity to get involved in the local community. The CFC is the annual workplace charity campaign offering federal employees the chance to pledge donations to more than 2,500 local, national, and international charities. Region 18 Board agents and staff have made a tradition of doing more than making pledges. For several years now, we have volunteered and learned about some of the local organizations that receive CFC donations.

donated food to food shelves throughout the region. It relies on volunteers to sort, weigh, and repackage the bulk food into family-sized packages. The evening that we

In November, Region 18 hosted guest speaker Jim and his dog, Piton, from Helping Paws of Minnesota. Helping Paws is a local CFC organization with a mission of furthering the independence of individuals with physical disabilities through the use of service dogs. Jim offered some background on the organization and personal anecdotes on how Piton has improved his quality of life. Then, before a rapt audience of Region 18 staffers, Jim and Piton demonstrated Piton's impressive skills as a service dog. Everyone left the presentation with an appreciation not only for Piton and service dogs like him, but also for the local charities that are part of the CFC drive.



Region 18 staff, family and friends, packed 5,966 pounds of carrots for Second Harvest Heartland. From L to R: Martha Armstrong, Julia Gunderson, Abby Schneider, Tyler Wiese, Rachael Simon-Miller, Chinyere Ohaeri, Bernie Grenzer, and John Grenzer.



Field Attorney Rachael Simon-Miller and Deputy Regional Director Jim Fox: carrot-packer extraordinaires!

In late October, several Region 18 staffers, along with some family and friends, volunteered at Second Harvest Heartland, the upper Midwest's largest hunger relief organization. Second Harvest specializes in collecting, warehousing, and distributing

went was dedicated to repackaging carrots into 5-lb bags. By the end of the evening, volunteers packed 5,966 lbs of carrots for distribution to food shelves.

General Counsel Griffin, continued from page 1

If people want to have something to say about their terms and conditions of employment, this is the law that protects their right to have their say. And, because there is no private right of action under this law, absent the efforts of the people who work for this Agency, the rights of people under this law are not enforced and are not protected."

GC Griffin said that the second reason for his joy in returning to the Agency was that "I cannot think of a nicer group of people to work with." He said that the lawyers and the administrative staff who work for the Agency are "the best in government." GC Griffin added that "In addition to being very, very competent and good at their jobs, the people who work in this Agency are extremely nice, are very warm, and very friendly."

Despite his happiness in being back at the Agency, GC Griffin stated that the day also was a sad one for the Agency because it marked the end of **Lafe Solomon's** tenure as General Counsel. GC Griffin said: "I've been

privileged to practice labor law for 32 years, and I can tell you without any equivocation that Lafe is the best General Counsel this Agency has ever had. He made very tough decisions under very trying circumstances. He did it with honesty and integrity, with enormous grace, and with good humor. He leaves very big shoes to fill. I'm going to do my best to do that." GC Griffin ended by saying that he was going to need the help of everybody in the Agency, and that "I really look forward to working with everybody."

GC Griffin served as a Board Member under a recess appointment by President Obama from January 9, 2012 through August 2, 2013. Prior to his appointment as a Board Member, he was serving as the General Counsel for the International Union of Operating Engineers (IUOE). He had been with the IUOE legal staff since 1983, holding positions ranging from Assistant House Counsel to Associate General Counsel before being selected as General Counsel of the Union. From 1985 to 1994, GC Griffin was a mem-

ber of the board of trustees of IUOE's Central Pension Fund. In addition, since 1994, he had served on the Board of Directors of the AFL-CIO Lawyers Coordinating Committee. GC Griffin began his legal career on the staff of former Chairman and Member John Fanning in 1981, and when he left the Board to join the IUOE in 1983, he was on the staff of former Chairman Donald Dotson. GC Griffin received a B.A. from Yale University, and a J.D. from Northeastern University School of Law.

DID YOU KNOW?

Every day there is someone here to answer your questions.

The **information officer** is responsible for incoming phone calls and visitors. We rotate the responsibility daily, and make an effort to answer all inquiries before the close of business. The **information officer** cannot offer legal advice, but can provide information about NLRB procedures and the NLRA, refer you to the appropriate government agencies, and log questions for future reference.

Region 18 and Sub-Region 30 Staff Meet on the Mississippi

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by Richard Neuman, Compliance Officer

In August 2013, Region 18 (Minneapolis and Des Moines) merged with Region 30 (Milwaukee). Although communication between the offices (via phone, video conference and email) has been abundant, staff from the two regions had never met in person... until September.

From September 16 through September 18, the staff from all three offices finally met in Onalaska, Wisconsin to focus on the integration of the offices, improving communications and team building.

This program was facilitated by Human Resources Development Specialist Chris Bragg from the Office of Employee Development in Washington, DC. Some of the sessions involved ice breakers, in which staff could meet each other and learn about their coworkers in different cities, though one of the biggest surprises was how much there was to learn about coworkers we share office space with every day!

Other sessions focused on the importance of communication. When working in a Region with three office locations, communication and the use of technology to adequately convey both meaning and mood is extremely important. Employees also participated in breakout sessions by job function (professionals, manag-

ers, and support staff) to discuss what is working and what was not working for the different locations. All attendees learned about other offices' best (and worst) practices, and left with ideas to make the offices more efficient.

Substantive labor law was a focus as well, and Agents led a handbook policy training as well as a Spanish language training, in honor of Hispanic Heritage month.

After hours, the staffs were able to social-

ize. On the first night, there was a social hour/craft beer exchange. Individuals brought craft beers from their regions to share and sample and drum up some friendly competition. (Think MN v. WI v. IA)

On the second night, the majority of the staff went hiking on the Bicentennial Trail in Hixon Forest Park which included scenic views of the Mississippi River valley. Field Examiner Nick Heisick (Minneapolis) says his only disappointment about the hike was that nobody took him up on his offer to do trust falls on the edge of the bluff....

Other employees, including Field Attorney Tyler Wiese (Minneapolis) and Compliance Officer Rick Neuman (Milwaukee) were determined to observe the wildlife of the area. They observed a gaze of raccoons lurking outside the hotel and tracked them down. Wiese was able to capture some photos right as the raccoons leapt toward him and Neuman, but they were too blurry to include.

The program was a huge success and very well-received by all who attended. The retreat allowed us the chance to share our thoughts and concerns regarding the merger, build trust among the three offices, and develop relationships that will help us all do better work. We all look forward to continue working with each other and hopefully seeing each other soon.



Several Region 18 staff members enjoyed an hike to a beautiful scenic overlook of La Crosse, Wisconsin, with the Mississippi River in the distance. Front row, L to R: Renee Medved, Nichole Burgess-Peel, Abby Schneider, Anita O'Neil. Second row: Margaret Wadzinske, Tabitha Boerschinger, Jessica Gibson, Rachael Simon-Miller, Jennifer Hadsall, Benjamin Mandelman. Back row: Andy Gollin, Charles Chermak, Eric Boerschinger and Nicholas Heisick.

Be On The Look Out

There will be a
Special Edition of the Hot Dish
focusing on the
new election case rules
coming in
Spring 2015!

In the meantime, check out the Agency's fact sheet about the new election rules on the NLRB's website:
<http://www.nlrb.gov/resources/fact-sheets>

**EXTRA!
EXTRA!**

**EXTRA!
EXTRA!**

Reminiscing with Roger: Region 18 Compliance Officer Retires

Compliance Officer Roger Czaia retires on December 31, 2014. Before we begrudgingly let him go, we asked him to take a look back on his successful career with the Board and dish the details.

When did you start at the NLRB and who was President?

August 21, 1988. Ronald Reagan.

What most excited you about your new job?

I was excited to be working as a professional in the field of labor relations.

How is the Agency different today than when you first started?

How we do our work has changed drastically. Technology has had a huge impact. When I started, agents did not have computers and most affidavits were handwritten. Other than affidavits which I took by hand, I dictated all of my written work product. Legal research back then could be very tedious and time consuming; today it can sometimes be done with a few key strokes in just a few minutes. In 1988, the Minneapolis office and the Agency as a whole were much larger than they are today. There were probably twice as many agents in Region 18 then as there are today, and the caseload could get extremely heavy. We also traveled quite a bit more then than we do now. For my first five years as a Board agent, I traveled to South Dakota on a regular basis, twice a month or so, and became very familiar with the labor bar working in that state.

How many different positions have you had?

I was a field examiner from 1988 to 1998, and have been the Region 18 Compliance Officer since 1998.

What's your estimate of the number of staff who have cycled through Region 18 during your reign?

I think there have been more than 30 retirements or transfers since I began in 1988,

and there have at least 100 interns in the Minneapolis office – many of whom have gone on to be successful in the field of labor/employment relations.

What would you say to someone starting their first day of work at the NLRB tomorrow?

Always look and act in a professional manner. Be open to learning, because you can learn something new every day and most of what you learn will benefit you in the long run. Get to know your professional colleagues. This includes co-workers and colleagues outside the office, and be willing to share ideas and observations. All of this will increase your credibility as a professional and make you more effective in your job. It also makes your job more fun.

What will you miss most?

There is no question that I will miss the professional and personal relationships that I have with the staff in Minneapolis and Des Moines, and also now to a certain extent in Milwaukee since the two Regions were merged in the last year or so. I will miss the day-to-day interchange with colleagues, whether we are discussing recent case developments or the highly-esteemed Region 18 fantasy football league.

Can you talk a little about some memorable cases you have been involved with?

One that sticks out is the Town and Country

Electric case from 1991, which is the only Region 18 case that has ever been argued before the Supreme Court. I was the intake officer for the original charge, and subsequently was assigned to the investigation. The issue was whether or not union "salts"

are considered to be employees as defined in the NLRA, and therefore entitled to protection under the Act. As everyone knows, the Supreme Court determined Union salts are employees, and both Florence Brammer, the attorney who tried the case, and I, went to Washington and heard the argument at the Supreme Court. Other memorable cases include *Overnite Transportation*, *Whitesell Corporation*, *Palm Beach Metro* and *North Star Marine*. There are too many details to go into; however these are cases that colleagues and former colleagues and I still tell stories about.



Region 18 Roger Czaia is all smiles after conducting his final representation election.

What are you most looking forward to about retirement?

Having the freedom to do what I want, when I want. My wife Karen and I are planning on doing some traveling and we have a number of home projects that have been neglected for far too long. I expect that we will find a way to escape the wrath of Minnesota winters, although we have no plans to leave the area on a permanent basis.

Need a speaker for an upcoming event? We'd love to talk to your group about the NLRA!

The NLRB is continuing its efforts to reach community groups with information about the Agency. Regional staff members are available to speak to organizations, large and small, at your request. We regularly provide speakers to make presentations to colleges, high schools, technical schools, labor unions, employer associations, staff of legal services or other civil rights agencies, or any group with a particular interest in the nation's labor laws or employee rights.

We have given presentations on introductory and general information such as the history of the Agency and the National Labor Relations Act, how to file charges and petitions with the Agency, and how the Agency investigates cases. The Region has also given more in-depth presentations on specific issues such as successorship, the duty of fair representation, *Beck* rights, protected concerted activity in a non-union workplace, and more.

For Region 18 inquiries, please contact the **Region's Outreach Coordinator, Chinyere Ohaeri** at 612-348-1766 or via email at Chinyere.Ohaeri@nlrb.gov to make arrangements for a speaker.

For Subregion 30 inquiries, please contact the **Subregion's Outreach Coordinator, Percy Courseault** at 414-297-3877 or via email at Percy.Courseault@nlrb.gov to make arrangements for a speaker.

You can also check out our recent and upcoming speaking events on our Regional Website:

[HTTP://WWW.NLRB.GOV/CATEGORY/REGIONS/REGION-18](http://www.nlrb.gov/category/regions/region-18)

After more than a year of letting him peacefully enjoy retirement, we decided to check in on Region 30's former Regional Director, Irving Gottschalk.

What years did you work in Region 30 (now Sub-Region 30)?

I worked in Region 30 for my entire NLRB career, from April 12, 1976 through April 3, 2013.

What are some of your fondest memories of Region 30?

There are many fond memories, as you might expect over 37 years. Regarding office functions, in the early days, there were weekly volleyball games in the gym at Plymouth Church, annual picnics that included all the families, occasional parties at people's homes, and even two costume parties at Halloween. In later years, the office functions included annual Brewers games with tailgating and annual Christmas/Holiday lunches with gift exchanges (both of which still continue).

Some casework-related events stand out, of course. I learned how to take affidavits from a co-worker when we were on the road investigating allegations of fraudulent union authorization cards, and I particularly remember the bizarre twist that case took when the witnesses told us they had signed cards but not the cards that had been submitted by the Union in support of its RC petition. It turned out that the Union's business rep had lost the original cards and so he signed the names on replacement cards. I once conducted five elections simultaneously—it was at a hospital in Marshfield where five units were at issue and we had different colored ballots for each unit. When I was Compliance Supervisor, I conducted a highly-charged meeting with a couple hundred discriminates frustrated by the case's slow progress (the underlying merit case had sat with the Board for five years before the decision finally issued, followed by three more years of appellate review) and began the process that led to a 19-day compliance trial and, as the hearing's end was in sight, a \$16 million settlement for 638 recipients.

As Acting Regional Director, my number one memory is the phone call I received from then-Operations Associate General Counsel Rick Siegel during the lunch hour in January 2005, on the last day before the Region was to be downgraded to subregional status, informing me that the then-decided downgrading was on indefinite hold (and ultimately reversed per pressure from Congress). I waited until everyone in the Region was back from lunch and then called a staff

meeting, which I started by saying "I don't know how to tell you this, but Yogi Berra was right." Someone (I wish I could remember who) immediately called out "It ain't over 'till it's over!" Of course, my formal appointment as Regional Director in June 2006 and my swearing in ceremony the following month really stand out as well.

What have you been up to since retirement?

Counting both the fall 2013 and spring 2014 semesters, I have audited five classes at the University of Wisconsin-Milwaukee, including three widely different history classes and two guitar classes (I have played guitar since my early teens). I didn't have the time to audit any classes during the fall 2014 semester as my wife and I did a fair amount of traveling. We visited and babysat in Boston for our two granddaughters in late August, then spent a



Former Regional Director Irv Gottschalk, enjoying some of his favorite hobbies.

week in Paris ahead of a week-long river cruise down the Rhone river in eastern France. After returning home, I visited my parents in San Diego (my father recently turned 90) for 10 days. We have a three-day bus trip to Mackinac Island coming up, to be followed by a trip to Columbus, Ohio for a family wedding and then on to Boston for another round of baby-sitting. At the end of the year, we will be returning to San Diego for a big family gathering to belatedly celebrate by father's birthday and my parents' 65th wedding anniversary. In January 2015, I plan to rest.

More specifically: What songs have you learned on the guitar? What books have you read?

Regarding the guitar, one of the classes I

audited was for note reading (I have always played by ear), and I learned three relatively uncomplicated classical pieces. Aside from that, I have become active in my synagogue's music ensemble and have learned new liturgical songs to play at our services. Our group is quite eclectic and the music we use is a mix of 60's and 70's rock songs and other non-traditional melodies. It is really fun! As for books, I belong to a men's book group and our books, chosen by whoever is hosting, range widely from novels to history to social justice. My wife and I recently joined another book group sponsored through the university, and I read other books as well. Most recently, I have read *Let the Great World Spin* by Colum McCann; *My Promised Land: the Triumph and Tragedy of Israel* by Ari Shavit; *The Bully Pulpit: Theodore Roosevelt, William Howard Taft, and the Golden Age of Journalism* by Doris Kearns Goodwin; *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* by David M. Oshinsky; and *The Woman Behind the New Deal: The Life and Legacy of Frances Perkins* by Kirstin Downey.

What have you enjoyed most about retirement?

I have enjoyed the freedom to get up in the morning without an alarm clock, to have more time to read what I want, to take classes at the University, and to visit my grandchildren. It is nice not being tied to a daily schedule, though it happens that I more readily forget the day of the week than I used to! It is very nice to pursue intellectual stimulation of my own choosing.

What do you miss the most about Region 30?

Most of all, I miss the camaraderie of the people I worked with. It was a real treat to discuss ideas, even if sometimes only case-related, and to banter with everyone. I miss the intellectual challenge of the casework and the satisfaction of reaching the right conclusion after weighing the case's facts and wrestling with the often-times contradictory legal precedents, and the oral agenda process that permitted a genuine give-and-take to help insure the proper decisions were made, and made properly.

Has retirement taught you anything about yourself that you did not expect?

I have always worked well on my own and have generally been a self-starter and self-sufficient worker. I would say that retirement has emphasized these personal traits. What I did not expect (or, more correctly, sufficiently anticipate) is how much I would miss the daily interactions with the people in Re-

(Continued on page 8)

Reflecting on Czaia’s many successes, continued from page 1

While the employees waived their rights to reinstatement following the Board Order, they received nearly \$1 million in backpay. In another situation, during the course of about two years, *Relco Locomotives, Inc.* discharged a total of ten employees because they engaged in union or protected concerted activity. Region 18 won three separate complaints issued against the Company, reported at 358 NLRB No. 32 (2012), 358 NLRB No. 37 (2012) and 359 NLRB No. 133 (2013). Moreover, the Eighth Circuit Court of Appeals enforced the first two Board orders in a decision issued on August 20, 2013, reported at 734 F.3d 764. The Region recently sent backpay checks totaling \$750,000 to the ten illegally-discharged employees, one of whom accepted reinstatement to his former job.

Not all complicated compliance cases involve litigation. Settlement agreements in charges against *Avis Budget Group* and its subcontractor *Eddisons Facility Services, Limited* (involving a rental car operation at the Minneapolis/St. Paul airport), resulted in the companies agreeing to offer reinstatement to over 160 employees, the distribution of \$550,000 in backpay, and recognition of a Teamsters local as the employees’ collective-bargaining agent. One of the challenges in seeking compliance with the settlement agreement is that many of the employees entitled to offers of reinstatement and backpay are Somali immigrants, some with a limited understanding of English.

Another example of a difficult compliance case as the result of a settlement involves *Eco Cleaning Solutions, LLC d/b/a Construc-*

tion Cleaning Services, LLC. The Region concluded that Eco operated Construction Cleaning Services as an alter ego, but failed to apply its contract with a union to employees of the second company. Thus, the settlement agreement required that employees employed by Construction Cleaning Services be made whole for the difference between the contractual wage rate, and what employees actually were paid. Because the employees of the two companies regularly interchanged, careful review of payroll records was required to determine when employees worked for Eco and when they worked for Construction Cleaning Services.

Roger’s expertise as a compliance officer has also been utilized in other regions. In the last two years, Roger handled two compliance cases for Region 12 (Tampa). While one of the cases ultimately settled, Roger drafted a compliance specification and testified at a compliance hearing in Miami, Florida in *Palm Beach Metro, LLC and its alter ego Metro Mobility Management Group, LLC*, 12-CA-025842. Among the challenges of the case are the length of the backpay period (it commenced April 29, 2008), and the nature of the unilateral change (reducing the hours and days of work of unit employees). How

much of unit employees’ loss of work hours was due to the unilateral change and how much was due to a loss of business was just one of the challenges of the case. The administrative law judge who heard the case awarded in excess of \$1.2 million to make employees whole for the unilateral changes.

With Roger’s retirement, compliance in Region 18 cases (for all three offices) will be handled and/or monitored by Richard (Rick) Neuman who is located in the Milwaukee office. Rick has been the compliance officer for the Milwaukee office for over ten years. In fact, Roger initially trained Rick on compliance matters shortly after



Compliance Officer Roger Czaia with fellow Compliance Officer Richard Neuman at the Region 18 Onalaska get-together described on page 5.

Rick’s appointment. Like Roger, Rick has a great deal of experience handling challenging compliance matters, including working on difficult cases for other regions. Thus, starting with the new calendar year, expect to hear from Rick when the Region is seeking compliance with a Board Order or decision issued by an administrative law judge.

Where is Irv now? continued from page 7

gion 30 and how much those interactions informed my views and shaped my personal traits (and honed my sense of humor!).

Looking back, what would be your words of wisdom to a new Board Agent on how to make the most of a career with the Board?

I would say what I did try to say (and hope I said) to new people, especially during my tenure as Regional Director, to be curious about the work you do, to be an active listener when you take witness affidavits so you can detect and react to statements that don’t really tell you what you need to know or that may contradict what you were previously told, and to take pride in the public service you perform. The NLRB’s mission is vitally important. As organized labor’s presence continues to ebb, the Act’s protections in the non-union environment take on greater and greater importance, and such inter-

ventions by the NLRB are not appreciated by the bad actors. Always try to put yourself in the shoes of the alleged discriminatee and treat the case as you would like it to be treated if you were the discriminatee.

Last but not least, your office mates (including the managers and supervisors) are your colleagues, to whom you can turn for support, guidance, and intellectual and professional growth. Whether your goal is to be a case investigator, trial attorney or support staffer as a career, or to be a specialist within the bargaining unit, to go into supervision or management, or to be an officer of the NLRBU (whether locally, nationally, or both), or any combination of those things, you will learn by doing, by observing, by researching, and by questioning; have a blast while you are doing all that!

<input type="radio"/>	Each day, an agent is responsible for serving as the Region’s Information Officer (I.O.). In this series, we share particularly interesting and informative I.O. questions and answers.
	Dear Abby...
	I have heard a lot about the NLRB’s new rules for the representation election process. When do they take effect? Where can I learn more about them?
<input type="radio"/>	The new rules will take effect on April 14, 2015. In the meantime, you can learn more about the important changes on the NLRB’s website, www.nlrb.gov . There is a press release and a link to the final rules in the Federal Register. Also on the website is a fact sheet which generally describes changes in various aspects of R case processing and proceedings as a result of the new rules. Visit the website at www.nlrb.gov .
<input type="radio"/>	Be sure to look for an article about the new rules in a Special Edition of the Hot Dish coming in spring 2015!